



Development Services Department
City of Frisco, Texas

Memorandum

To: Honorable Mayor Maso and Members of the Frisco City Council

Cc: George A. Purefoy, City Manager
John Lettelleir, AICP, Director, Development Services

From: Scott Ingalls, AICP, Development Coordinator

Date: 08/05/2009

Agenda Caption: Consider and act upon adoption of an Ordinance granting a Specific Use Permit for a Big Box on one lot on 22.5± acres on the west side of Preston Road 600± feet north of Hickory Street. Specific Use Permit SUP09-0002.

Action Requested: The City Council is asked to adopt the Ordinance.

Background Information: The City Council held a public hearing at their August 4, 2009 meeting and voted 5-0 to approve the Specific Use Permit for a Big Box Retail Building.

One question that was raised by the City Council was about the time frame for beginning construction on the proposed Walmart and what was required under the Specific Use Permit requirements of the Comprehensive Zoning Ordinance (CZO). The CZO states that "If required, a building permit shall be applied for and secured within six (6) months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension of this time upon recommendation by the Planning & Zoning Commission."

Please note that the CZO states that this must occur if required. As this was not part of the recommendation of the Planning & Zoning Commission nor was it a requirement of the City Council this particular section would not apply to this Specific Use Permit.

A second question involves the triggering of the super majority vote by the City Council. Our calculation of the amount of land where the property owners have provided written opposition indicates an amount of 19.7%. As this is below the

minimum 20% level, the requirement for a super majority vote is not triggered and is not required to approve the adoption Ordinance.

Board Review/Citizen Input: The Planning & Zoning Commission held a public hearing at their July 14, 2009 meeting and voted 4-3 to recommend approval to the City Council.

Alternatives: The City Council may:

- Approve the Ordinance;
- Deny the Ordinance;
- Approve the Ordinance with modifications; or
- Table for further review.

Financial Considerations: Not applicable.

Legal Review: The City Attorney's Office has prepared the Ordinance.

Supporting Documents:

- City Council Outcome Memo dated August 5, 2009.
- Ordinance.

Staff Recommendation: City Council adopt the Ordinance.